

Congress of the United States
Washington, DC 20515

January 11, 2022

Director Rahul Gupta
Office of National Drug Control Policy
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Director Gupta:

According to recently released numbers from the Centers for Disease Control and Prevention (CDC), the U.S. recorded its highest ever number of drug-overdose deaths in a 12-month period from April 2020 to April 2021.¹ These 100,306 deaths represent a nearly 29 percent increase from deaths recorded in the same period a year earlier.² Congress cannot ignore these shocking numbers, particularly because the Biden Administration's border policies are allowing fentanyl and fentanyl-related substances to cross our borders at unprecedented rates.³ We write to you today to request information about what led to the dramatic increase in overdose deaths and to better understand the Office of National Drug Control Policy's (ONDCP) efforts to fight our country's opioid crisis.

Synthetic opioids, mainly fueled by fentanyl, accounted for about 64 percent of all drug overdose deaths through April 2021—up 49 percent from the same period last year.⁴ Fentanyl can be 50 times more potent than heroin and 100 times more potent than morphine.⁵ As little as two milligrams of fentanyl can be lethal depending on a person's body size, tolerance, and past use.⁶ For perspective, drug trafficking organizations typically distribute fentanyl by the kilogram, enough to potentially kill 500,000 people.⁷

The trafficking of illicit drugs carried out by Mexican Transnational Criminal Organizations is a real concern along the southern border. According to the Drug Enforcement Administration's (DEA) most recent National Drug Threat Assessment, "Mexican TCOs [Transnational Criminal Organizations] are the greatest drug trafficking threat to the United

¹ *Vital Statistics Rapid Releasee, Provisional Drug Overdose Death Counts*, NAT'L CTR. FOR HEALTH STATISTICS (last visited Nov. 19, 2021).

² *Id.*

³ Gabe Gutierrez and Al Henkel, *Fentanyl seizures at U.S. southern border rise dramatically*, (June 29, 2021).

⁴ Jon Kamp & Julie Wernau, *Drug Overdose Deaths, Fueled by Fentanyl, Hit Record High in U.S.*, THE WALL ST. J. (Nov. 17, 2021); Deidre McPhillips, *Drug overdose deaths top 100,000 annually for the first time, driven by fentanyl*, CDC data show, CNN (Nov. 17, 2021).

⁵ Centers for Disease Control and Prevention, *Fentanyl Facts*, <https://www.cdc.gov/drugoverdose/data/fentanyl.html> (last visited Dec. 14, 2021).

⁶ U.S. Drug Enforcement Admin., *Facts about fentanyl* (last visited Nov. 19, 2021).

⁷ *Id.*

States; they control most of the U.S. drug market and have established varied transportation routes, have advanced communications capabilities, and hold strong affiliations with criminal groups and gangs in the United States.”⁸ These TCOs “continue to control lucrative smuggling corridors,” mainly across the U.S. southern border to traffic large quantities of illicit drugs.⁹ The NDTA explains that the production and supply of illicit fentanyl into the U.S. market is increasingly driven by Mexican cartels and China remains a main source of supply for precursor chemicals—used to make dangerous drugs that cartels illegally smuggle into the country in large amounts.¹⁰ The problem has become so acute the DEA issued its first Public Safety Alert in six years, warning Americans of the nationwide surge in counterfeit, fentanyl laced prescription pills.¹¹

In Fiscal Year 2021, U.S. Customs and Border Protection (CBP) seized more than 11,000 pounds of illicit fentanyl crossing the southern border—a 42 percent increase over Fiscal Year 2020, with the vast majority discovered coming through ports of entry.¹² This figure amounts to enough fentanyl to cause approximately 2.5 billion deaths.¹³ While illicit fentanyl flows across our borders at unprecedented rates, the number of people experiencing depression, anxiety, and trauma continues to skyrocket.¹⁴ The government-imposed lockdowns during the COVID-19 pandemic intensified the drug overdose problems in many ways: increased isolation, increased barriers to treatment, school closures, job loss, economic instability, loss of support systems, and the loss of family and friends.¹⁵ More than one in ten adults admitted to starting or increasing alcohol or drug use to get through the pandemic, although the number is likely higher.¹⁶ The federal mental health hotline experienced an 891 percent spike in calls in March 2020 compared to March 2019.¹⁷

Republican members of the House Committees on Oversight and Reform and Energy and Commerce refuse to stand by as the Biden Administration’s overbearing lockdowns and mandates, ineffective economic policies, lack of border enforcement, and drug cartels destroy and take the lives of hundreds of Americans every day. To assist Congress in its oversight work of the Administration’s response to the drug crisis please provide the following information:

⁸ U.S. Drug Enforcement Admin., *National Drug Threat Assessment*, at 4 (Mar. 2021).

⁹ *Id.* at 65.

¹⁰ *Id.*, at 14-16 (Mar. 2021); *see also*, Press Release, U.S. Drug Enforcement Admin., *DEA Releases 2020 National Drug Threat Assessment* (Mar. 2, 2021).

¹¹ Press Release, U.S. Drug Enf. Admin., *DEA Issues Public Safety Alert on Sharp Increase in Fake Prescription Pills Containing Fentanyl and Meth* (Sept. 27, 2021).

¹² *Drug Seizure Statistics*, U.S. CUSTOMS & BORDER PROTECTION (last visited Nov. 19, 2021); *Southwest Land Border Encounters*, U.S. CUSTOMS & BORDER PROTECTION (last visited Nov. 19, 2021).

¹³ *New Border Numbers: A Year of Chaos & Crisis*, HOMELAND SECURITY REPUBLICANS (Oct. 25, 2021).

¹⁴ Anna Giaritelli, *Record fentanyl seizures at border contributed to soaring overdose deaths in US*, WASH. EXAMINER (Nov. 2, 2021).

¹⁵ Roni Caryn Rabin, *Overdose Deaths Reached Record High as the Pandemic Spread*, THE N.Y. TIMES (Nov. 17, 2021).

¹⁶ *Coronavirus – impact on substance use disorder and addiction treatment*, NAT’L J. (Sept. 2, 2021).

¹⁷ *Id.*

1. Provide an accounting of how much illicit fentanyl and fentanyl-related substances are estimated to cross the border without detection or interception by U.S. law enforcement each month between January 2021 and December 2021.
2. Explain whether and how the Biden Administration's crisis along the U.S. southern border and the Biden Administration's immigration policies have affected the trafficking of illicit drugs such as fentanyl and fentanyl-related substances crossing the southern border.
3. Explain what actions the President or the Executive Office of the President has taken to address the flow of illicit fentanyl and fentanyl-related substances crossing the U.S. southern border both at and between ports of entry.
4. Explain whether and how COVID-19 related lockdowns contributed to the increased use and trafficking of illicit fentanyl, fentanyl-related substances, and other dangerous drugs.
5. Explain whether and how ONDCP has addressed the illegal purchase and distribution of illicit fentanyl and fentanyl-related substances through online marketplaces and dark web marketplaces.
6. Explain ONDCP's current counternarcotic efforts with the People's Republic of China to reduce the manufacture and export of illicit fentanyl, fentanyl-related substances, and precursor chemicals directly from China to the U.S., Canada, and/or Mexico.

Please provide this information as soon as possible, but no later than 5:00 p.m. EST on January 25, 2022. After you have provided this information in writing, we ask that your staff provide a staff-level briefing on these matters.

In addition, we request that you preserve all responsive documents, communications, and other data ("records") that may be required for our oversight and investigative duties. Accordingly, we request that you:

1. Preserve all e-mail, electronic documents, and data ("electronic records") **from January 20, 2021** related to the U.S. drug crisis. For the purposes of this request, "preserve" means taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutation of electronic records, as well as negligent or intentional handling that would make such records incomplete or inaccessible;
2. Exercise reasonable efforts to identify and notify former employees and contractors, subcontractors and consultants who may have access to such electronic records that they are to be preserved; and,
3. If it is the routine practice of any agency employee or contractor to destroy or otherwise alter such electronic records, either halt such practices or arrange for the

Director Rahul Gupta

January 11, 2022

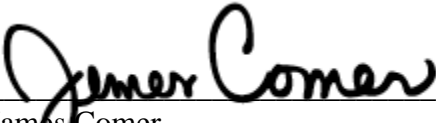
Page 4

preservation of complete and accurate duplicates or copies of such records, suitable for production if requested.


If you have any questions about this request, please contact House Committee on Oversight and Reform Republican staff at (202) 225-5074 and House Committee on Energy and Commerce Republican staff at (202) 225-3641.

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. The Committee on Energy and Commerce has jurisdiction over public health under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Cathy McMorris Rodgers
Ranking Member
Committee on Energy and Commerce

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Frank Pallone, Chairman
Committee on Energy and Commerce